

House File 2479 - Introduced

HOUSE FILE 2479

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2454)

(SUCCESSOR TO HF 2215)

A BILL FOR

1 An Act establishing processes for voter approval of a
2 proposition to require a township to provide emergency
3 medical service and for voter approval of a higher
4 additional annual property tax levy rate for the provision
5 of township services.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 359.42, Code 2018, is amended to read as
2 follows:

3 **359.42 Township fire protection service, emergency warning
4 system, and emergency medical service.**

5 Except as otherwise provided in [section 331.385](#), the
6 trustees of each township shall provide fire protection service
7 for the township, exclusive of any part of the township within
8 a benefited fire district and, unless required to provide
9 emergency medical service by proposition approved under section
10 359.44, may provide emergency medical service. The trustees
11 may purchase, own, rent, or maintain fire protection service
12 or emergency medical service apparatus or equipment or both
13 kinds of apparatus or equipment and provide housing for the
14 equipment. The trustees of a township which is located within
15 a county having a population of three hundred thousand or
16 more may also establish and maintain an emergency warning
17 system within the township. The trustees may contract with a
18 public or private agency under [chapter 28E](#) for the purpose of
19 providing any service or system required or authorized under
20 this section.

21 Sec. 2. Section 359.43, subsection 2, Code 2018, is amended
22 to read as follows:

23 2. a. If the levy authorized under [subsection 1](#) is
24 insufficient to provide the services authorized or required
25 under [section 359.42](#), the township trustees may levy an
26 additional annual tax not exceeding twenty and one-fourth cents
27 per thousand dollars of assessed value of the taxable property
28 in the township, excluding any property within the corporate
29 limits of a city, to provide the services.

30 b. (1) The additional annual tax authorized under paragraph
31 "a" may be imposed at a rate not exceeding forty and one-fourth
32 cents per thousand dollars of assessed value if the trustees of
33 the township are providing emergency medical service for the
34 township and if the authority to impose the higher additional
35 annual tax rate is approved at election.

1 (2) (a) The board of township trustees may on its own
2 motion, and upon receipt of a valid petition shall, direct the
3 county commissioner of elections to submit to the registered
4 voters of the township in the areas where the additional
5 annual tax is imposed, the proposition of levying the higher
6 additional annual tax rate for a period of time stated in the
7 proposition.

8 (b) A valid petition shall be signed by eligible electors of
9 the township residing outside the corporate limits of a city
10 equal in number to at least twenty-five percent of the number
11 of votes cast in the township outside the corporate limits
12 of a city for the office of president of the United States
13 or governor at the preceding general election. The petition
14 shall include the signatures of the petitioners, a statement
15 of their place of residence, and the date on which they signed
16 the petition.

17 (c) The election shall be held at the next general election
18 following adoption of the board's motion or receipt of the
19 valid petition and may be included on the same ballot as a
20 proposition submitted to the voters under section 359.44.
21 However, a petition authorized by this section shall be filed
22 not later than eighty-two days before the date of the general
23 election if the proposition is to be voted upon at the general
24 election. If a valid petition is filed after that date, the
25 proposition shall be voted on at the general election following
26 the next general election.

27 (d) A petition shall be examined before it is accepted for
28 filing. If it appears valid on its face, it shall be accepted
29 for filing. If it lacks the required number of signatures, it
30 shall be returned to the petitioners.

31 (e) Petitions which have been accepted for filing are
32 valid unless written objections are filed. Objections must be
33 filed with the county auditor within five working days after
34 the petition was filed. The objection process in section
35 44.7 shall be followed for objections filed pursuant to this

1 section.

2 c. The proposition is adopted if a majority of those
3 voting on the proposition at the election approves it. If the
4 proposition is approved at election, the township trustees may
5 impose the additional annual tax authorized under paragraph "a"
6 at a rate not exceeding forty and one-fourth cents per thousand
7 dollars for the period of time approved at election, beginning
8 with the fiscal year beginning July 1 following the general
9 election at which the proposition was approved.

10 d. The proposition is not affected by a change in the
11 boundaries of the township.

12 e. An extension of the period of time for the authorization
13 to impose the higher additional annual tax rate or rescission
14 of the authorization to impose the higher additional annual tax
15 rate may be completed using the same procedure as is required
16 for initial approval. However, the authorization to impose
17 higher additional annual tax rate may also be rescinded under
18 section 359.44, subsection 7.

19 **Sec. 3. NEW SECTION. 359.44 Emergency medical service —**
20 **motion or petition — election.**

21 1. *a.* Unless the county is providing emergency medical
22 service to a township pursuant to section 331.385, the board
23 of township trustees may on its own motion, and upon receipt
24 of a valid petition shall, direct the county commissioner of
25 elections to submit to the registered voters of the township,
26 excluding those areas of the township within corporate
27 boundaries of a city, the proposition of requiring the township
28 to provide emergency medical service to those areas of the
29 township outside the corporate limits of a city and outside
30 those areas being provided emergency medical service under
31 chapter 357F or 357J for a period of time stated in the
32 proposition but not less than four years.

33 *b.* A valid petition shall be signed by eligible electors of
34 the township residing outside the corporate limits of a city
35 equal in number to at least twenty-five percent of the number

1 of votes cast in the township outside the corporate limits
2 of a city for the office of president of the United States
3 or governor at the preceding general election. The petition
4 shall include the signatures of the petitioners, a statement
5 of their place of residence, and the date on which they signed
6 the petition.

7 c. The election shall be held at the next general election
8 following adoption of the board's motion or receipt of the
9 valid petition. However, a petition authorized by this section
10 shall be filed not later than eighty-two days before the date
11 of the general election if the proposition is to be voted upon
12 at the general election. If a valid petition is filed after
13 that date, the proposition shall be voted on at the general
14 election following the next general election.

15 d. A petition shall be examined before it is accepted for
16 filing. If it appears valid on its face, it shall be accepted
17 for filing. If it lacks the required number of signatures, it
18 shall be returned to the petitioners.

19 e. Petitions which have been accepted for filing are valid
20 unless written objections are filed. Objections must be
21 filed with the county auditor within five working days after
22 the petition was filed. The objection process in section
23 44.7 shall be followed for objections filed pursuant to this
24 section.

25 2. The question shall be submitted to the voters in
26 substantially the following form:

27 Shall the township of, in
28 County, Iowa, be required to provide emergency medical
29 service to those areas of township outside the
30 corporate limits of a city and outside the areas receiving
31 emergency medical service from another political subdivision
32 of this state and provide such service through imposition of
33 a property tax in those areas of the township outside the
34 corporate limits of a city?

35 3. The proposition to impose a higher additional annual tax

1 pursuant to section 359.43, subsection 2, shall be included on
2 the ballot and submitted to the voters at the same election as
3 the proposition to require the township to provide emergency
4 medical service under this section.

5 4. The proposition is adopted if a majority of those
6 voting on the proposition at the election approves it. If the
7 proposition is approved at election, the township trustees
8 shall provide emergency medical service to all areas of the
9 township outside the corporate limits of a city and those areas
10 not otherwise receiving such service under chapter 357F or 357J
11 using methods and funding authorized in sections 359.42 and
12 359.43 for the period of time approved at election, beginning
13 with the fiscal year beginning July 1 following the general
14 election at which the proposition was approved.

15 5. The proposition is not affected by a change in the
16 boundaries of the township.

17 6. An extension of the period of time for requiring the
18 township to provide emergency medical service under this
19 section or the rescission of the requirement to provide
20 emergency medical service may be completed using the same
21 procedure as is required for initial approval.

22 7. In lieu of the procedure under subsection 6, the
23 requirement for providing emergency medical service under this
24 section may be rescinded by resolution of the board of township
25 trustees, upon a finding that the emergency medical service
26 being provided has not been beneficial or is unnecessary.
27 If the requirement for providing emergency medical service
28 is rescinded under this subsection and the township ceases
29 to provide emergency medical service, the authorization for
30 imposition of a higher additional annual tax rate under section
31 359.43, subsection 2, paragraph "b", is terminated.

32

EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 Current law authorizes but does not require the board of

1 township trustees to provide emergency medical service for
2 the township and to fund such service through imposition of
3 a property tax levy. This bill establishes a process for
4 voter approval of a proposition to require a board of township
5 trustees to provide emergency medical service to specified
6 areas of the township.

7 The bill provides that unless the county is providing
8 emergency medical service to a township pursuant to Code
9 section 331.385, the board of township trustees may on its own
10 motion, and upon receipt of a valid petition shall, direct the
11 county commissioner of elections to submit to the registered
12 voters of the township, excluding those areas of the township
13 within corporate boundaries of a city, the proposition of
14 requiring the township to provide emergency medical service to
15 those areas of the township outside the corporate limits of a
16 city and outside those areas being provided emergency medical
17 service under Code chapter 357F (benefited emergency medical
18 services district) or 357J (emergency response district) for a
19 period of time stated in the proposition but not less than four
20 years.

21 A valid petition must be signed by eligible electors of
22 the township residing outside the corporate limits of a city
23 equal in number to at least 25 percent of the number of votes
24 cast in the township outside the corporate limits of a city
25 for the office of president of the United States or governor
26 at the preceding general election. The election to vote on
27 the proposition is required to be held at the next general
28 election following adoption of the board's motion or receipt of
29 the valid petition, subject to a filing deadline specified in
30 the bill. The bill also specifies the process for filing and
31 hearing objections to the petition and the form of the question
32 that appears on the ballot.

33 A proposition is adopted if a majority of those voting on the
34 proposition at the election approves it. If the proposition
35 is approved at election, the township trustees are required

1 to provide emergency medical service to those specified areas
2 of the township using methods and funding authorized in Code
3 sections 359.42 and 359.43 for the period of time approved
4 at election, beginning with the fiscal year beginning July 1
5 following the general election at which the proposition was
6 approved. The bill also requires that the proposition to
7 impose a higher additional annual tax pursuant to Code section
8 359.43(2), as amended in the bill, shall be included on the
9 ballot and submitted to the voters at the same election as
10 the proposition to require the township to provide emergency
11 medical service.

12 An extension of the period of time for requiring the township
13 to provide emergency medical service or the rescission of the
14 requirement to provide emergency medical service under the bill
15 may be completed using the same procedure as is required for
16 initial approval. In lieu of such process required for initial
17 approval, the requirement for providing emergency medical
18 service may be rescinded by resolution of the board of township
19 trustees, upon a finding that the emergency medical service
20 being provided has not been beneficial or is unnecessary. If
21 the requirement for providing emergency medical service is
22 rescinded by resolution of the board and the township ceases
23 to provide emergency medical service, the authorization
24 for imposition of a higher additional annual tax rate is
25 terminated.

26 Current Code section 359.43 authorizes township trustees
27 to levy an annual tax not exceeding 40.5 cents per \$1,000
28 of assessed value of the taxable property in the township,
29 excluding property within a benefited fire district or within
30 the corporate limits of a city, for the purpose of providing
31 fire protection service and emergency medical service for the
32 township. If the 40.5-cent levy is insufficient to provide the
33 services authorized or required, the township trustees may levy
34 an additional annual tax not exceeding 20.25 cents per \$1,000
35 of assessed value.

1 The bill authorizes the township trustees to impose the
2 additional annual tax at a rate not exceeding the 40.25 cents
3 per \$1,000 of assessed value if the trustees of the township
4 are providing emergency medical service for the township and
5 if the authority to impose the higher additional annual tax
6 rate is approved at election. The board of township trustees
7 may on its own motion, and upon receipt of a valid petition
8 shall, direct the county commissioner of elections to submit to
9 the registered voters of the township in the areas where the
10 additional annual tax is imposed, the proposition of levying
11 the higher additional annual tax rate for a period of time
12 stated in the proposition. The election is required to be held
13 at the next general election following adoption of the board's
14 motion or receipt of the valid petition and may be included
15 on the same ballot as a proposition requiring the township to
16 provide emergency medical service under Code section 359.44, as
17 enacted in the bill. The proposition is adopted if a majority
18 of those voting on the proposition at the election approves it.
19 An extension of the period of time for the authorization to
20 impose the higher additional annual tax rate or rescission of
21 the authorization to impose the higher additional annual tax
22 rate may be completed using the same procedure as is required
23 for initial approval. However, the authorization to impose
24 a higher additional annual tax rate may also be rescinded by
25 resolution of the board of township trustees.

26 By operation of law, the bill applies to a county that has,
27 by resolution under Code section 331.385, assumed the exercise
28 of the powers and duties of township trustees relating to
29 fire protection service and emergency medical service for any
30 township located in the unincorporated area of the county.